RIVER ISLANDS

AT LATHROP

May 9, 2011

Ms. Terry Macaulay
Deputy Executive Officer
Delta Stewardship Council
980 Ninth Street, Suite 1500
Sacramento, CA 95814

Subject: Comments – Third Staff Draft of Delta Plan

Dear Ms. Macaulay:

We offer the following comments to the Third Staff Draft Delta Plan ("Third Draft Plan") as provided for review on April 22, 2011. We provided comments on the Second Draft Plan on April 11, 2011. We appreciate the continued opportunity to address the Council on this important document.

While we appreciate the revisions to Policy RR P6, as included in Chapter 7, page 41, lines 23 through 33 of the Second Draft Plan, we do not feel that it is sufficient to protect our legal ability to develop our property fully as provided by our property interests and approved entitlements. This policy was revised as Policy RR P3 within Chapter 7 of the Third Draft Plan, page 89:

> *"Existing or potential value of floodplains or potential floodplains shall not be encroached upon nor diminished except as provided in this Delta Plan. The following areas are identified in the Delta Plan as potential floodplains and should also provide ecosystem benefit:*
>
> - *Areas located in Yolo Bypass (Fremont Weir to Cache Slough, to the Sacramento River outside of the existing floodplain easement, including the confluence of Putah Creek into the bypass;*
> - *The Consumnes River/Mokelumne River confluence, as defined by the North Delta Flood Control and Ecosystem Restoration Project (Department of Water Resources 2010);*
> - *The San Joaquin River/South Delta Floodplain. This area extends north from the southern boundary of the legal Delta, including all of Pescadero Tract, Paradise Cut, and Reclamation Districts R-2075, R-2064, R-2085, R-2094, R-2095, the portion of R-1007 generally north of Bethany Road, and the portion of R-2058 north of Interstate 205 and the undeveloped portion of Stewart Tract. This area will be*

THE CAMBAY GROUP, INC.
73 W. Stewart Road, Lathrop CA 95330 209.879.7900 Fax 209.879.7928 www.riverislands.com

> *modified upon completion of studies by the Department of Water Resources that will define the floodplain as referenced in Water Code section 9613(c)."*

We continue to note that we own all portions of the Stewart Tract north of the Union Pacific Railroad (formerly Southern Pacific Railroad) and all of Paradise Cut north of the UPRR; see Attachment 1. As we stated in our previous correspondence, we have general plan, zoning, specific plan and CEQA approvals from the City of Lathrop for development of all areas of our property and have set aside Paradise Cut for eco-system restoration and flood control improvements. We also have an agreement in place with the U.S. Fish and Wildlife Service for protection, enhancement and restoration of Paradise Cut as habitat for the endangered Riparian Brush Rabbit. Given our commitment to Paradise Cut to be improved for flood system and eco-system enhancements, we would suggest adding language to the policy that clearly recognizes existing and proposed conservation agreements with fish and wildlife agencies:

> *"Existing or potential value of floodplains or potential floodplains shall not be encroached upon nor diminished except as provided* ***in existing and proposed agreements, easements and other arrangements made with State and Federal fish and wildlife agencies****. The following areas are identified in the Delta Plan as potential floodplains and should also provide ecosystem benefit:"*

We believe there should also be a policy added to the draft Plan that ensures that the Plan would not conflict with such agreements:

> ***"Any existing and proposed agreements, easements and other arrangements made with State and Federal fish and wildlife agencies shall not be affected or otherwise cause conflict as a result of this Delta Plan."***

We also respectfully request that all mention of the Stewart Tract be removed from the policy and all future versions of Delta Plan. The Stewart Tract's inclusion in such a policy would severely diminish our existing and potential property values, jeopardize our legal right to develop our property to its highest and best use and could potentially be actionable in a court of competent jurisdiction.

We note also, that the following language appears to be removed from the Delta Plan with the Third Draft:

> *"This policy is not intended, and shall not be construed as authorizing the Council or any entity acting pursuant to this section, to exercise their power in a manner which will take or damage private property for public use, without the payment of just compensation. This policy is not intended to affect the rights of any owner of property under the Constitution of the State of California or the United States."*

We believe that this language is important for the Council to include in the Delta Plan in order to protect the property rights of individuals of affected properties in the Delta and as a result, it should be reinstated in all future drafts.

We would also like to note that FEMA has already issued a Conditional Letter of Map Revision for all undeveloped areas of the Stewart Tract in our ownership (see Attachment 2). The Third Draft and previous drafts of the Delta Plan states that the term "floodplain" should be defined by FEMA's National Flood Insurance Program. We have already taken to the first step to redesignate the undeveloped portion of the Stewart Tract as a floodplain and should complete Section 408 Authorization processing through the U.S. Army Corps of Engineers by next year for proposed flood control improvements that would not only remove the remaining portions of the Stewart Tract from the 100 year floodplain as defined by FEMA, but the 200 year floodplain as defined by the State of California.

Lastly, we have reviewed the April 12, 2011 correspondence from the Delta Counties Coalition and agree with the statements made by the Coalition in regards to the draft Delta Plan. In particular, we support the comments made by the Coalition in regards to the overreaching of land use regulation and jurisdiction proposed in the Third Draft Plan that would usurp local land use authority.

Should you have any questions regarding this letter, please contact me at (209) 879-7900 or by email at sdellosso@cambaygroup.com. Until the Stewart Tract is officially removed from the Delta Plan, we also request to continue to receive updates, correspondence and meeting notices to this office at the address shown on the letterhead.

Sincerely,

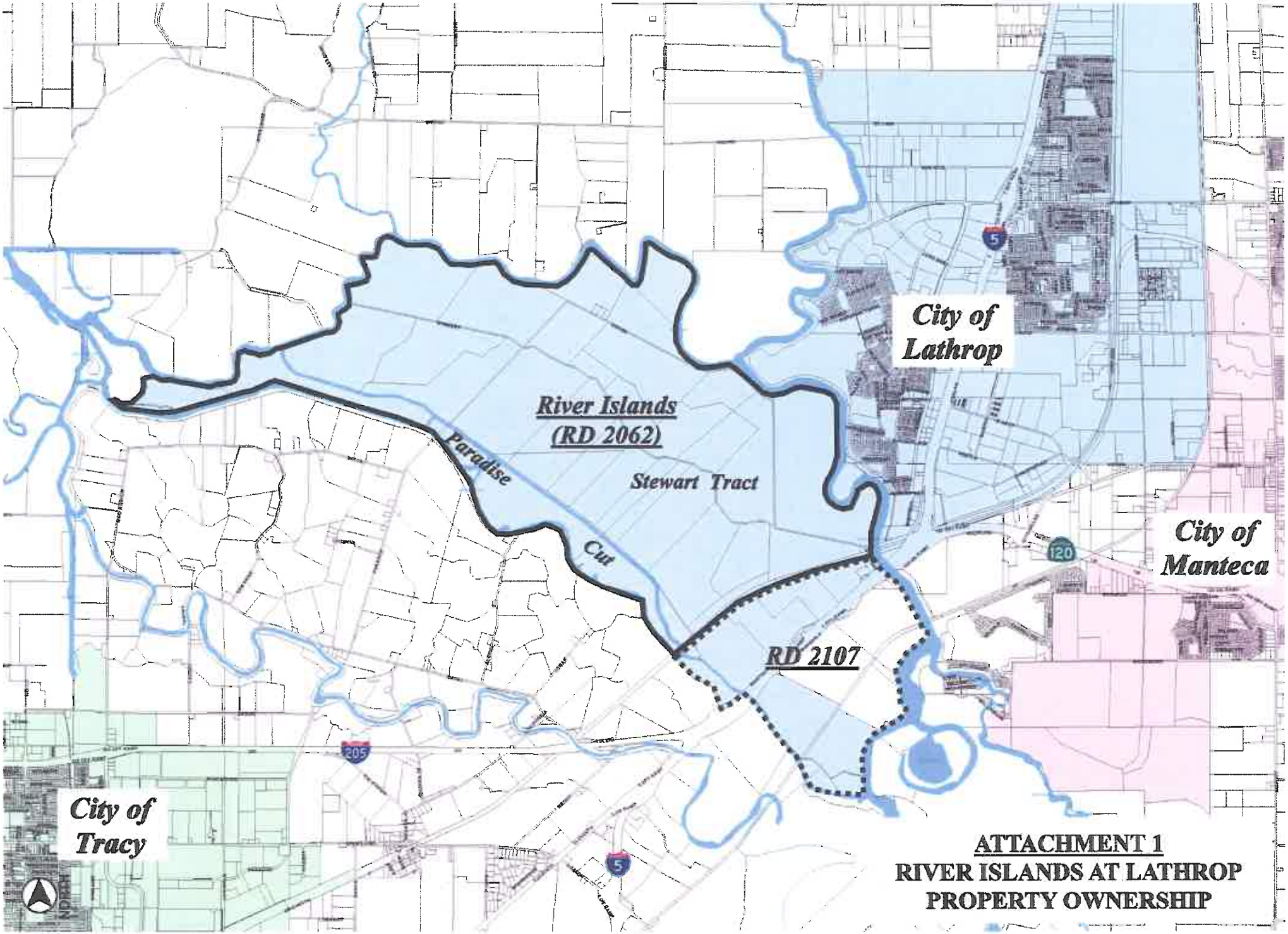
Susan Dell'Osso
Project Director

Enclosed:

Attachment 1: River Islands Property Interest Map
Attachment 2: Conditional Letter of Map Revision

cc: Cathleen Galgiani, Assemblymember
Mayor and City Council of the City of Lathrop
Frank L. Ruhstaller, Chairman, San Joaquin County Board of Supervisors
Cary Keaten, City Manager of the City of Lathrop

Glenn Gebhardt, Director of Community Development/City Engineer, City of Lathrop
Kerry Sullivan, Community Development Director, San Joaquin County
Jared Ficker, California Strategies
Kurt Schuparra, California Strategies
Michael Brown, Brown Sand and Gravel



ATTACHMENT 1
RIVER ISLANDS AT LATHROP
PROPERTY OWNERSHIP

ATTACHMENT 2

905 CLOMR

Federal Emergency Management Agency

Washington, D.C. 20472

Fill Pad.

MAR 10 2005

RECEIVED MAR 17 2005

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
Case No.: 03-09-1344R

The Honorable Gloryanna Rhodes
Mayor, City of Lathrop
16775 Howland Road, Suite 1
Lathrop, CA 95330

Community: City of Lathrop, CA
Community No.: 060738

104

Dear Mayor Rhodes:

This responds to a request that the Department of Homeland Security's Federal Emergency Management Agency (FEMA) comment on the effects that a proposed project would have on the effective Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report for your community, in accordance with Part 65 of the National Flood Insurance Program (NFIP) regulations. In a letter dated July 3, 2003, Mr. John M. Winn, Project Engineer, Carlson, Barbee & Gibson, Inc., requested that FEMA evaluate the effects that updated topographic information, a revised hydrologic analysis, and construction of the River Islands project along the San Joaquin River from its divergence from Paradise Cut to the confluence with the Old River, along the Old River from the confluence with Paradise Cut to the divergence from the San Joaquin River, and along Paradise Cut from the confluence with the San Joaquin River to the divergence from the San Joaquin River would have on the flood hazard information shown on the effective FIRM and FIS report. The River Islands project will include improvements to existing levees along the San Joaquin River, the Old River, and Paradise Cut; construction of interior recreational lakes; and construction of residential housing developments, with the necessary storm-water management facilities. Although the revised area is shown on the FIRM for the unincorporated areas of San Joaquin County, a portion of the revised area has been annexed by the City of Lathrop.

All data required to complete our review of this request for a Conditional Letter of Map Revision (CLOMR) were submitted with letters from Mr. Gregory D. Miller, P.E., Principal, Carlson, Barbee & Gibson, and Mr. Winn.

Because this revision request also affects the unincorporated areas of San Joaquin County, a separate CLOMR for that community was issued on the same date as this CLOMR.

We reviewed the submitted data and the data used to prepare the effective FIRM for your community and determined that the proposed project meets the minimum floodplain management criteria of the NFIP. The submitted existing conditions UNET hydraulic computer model, dated August 13, 2004, based on updated topographic information, was used as the base conditions model in our review of the proposed conditions model for this CLOMR request. We believe that, if the proposed project is constructed as shown on the plans entitled "Paradise Cut Improvement Project," dated April 18, 2002; "Proposed Interior Drainage Plan," "Proposed Levee Plan – River Islands," "Embankment Protection Program," and "Topographic Workmap – River Islands," all dated April 28, 2003; and "Levee Profile and Flood Elevation Exhibit – River Islands," dated February 19, 2004, and the data listed below are received, a revision to the FIRM would be warranted. All the plans listed above were prepared by Carlson, Barbee &

Gibson, Inc. Please note that the proposed modifications of the existing levees should be coordinated with the appropriate State and Federal agencies.

San Joaquin River

Our review of existing conditions revealed that the elevations of the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood) increased in some areas and decreased in other areas compared to the effective Base Flood Elevations (BFEs) for the San Joaquin River from the divergence from Paradise Cut to the confluence with the Old River. The maximum increase in BFE, 0.1 foot, occurred approximately 6,000 feet downstream of Interstate Highway 5 (I-5). The maximum decrease in BFE, 0.7 foot, occurred approximately 1,400 feet upstream of I-5.

As a result of the proposed project, the BFEs will increase compared to the existing conditions BFEs for the San Joaquin River from the divergence from Paradise Cut to the confluence with the Old River. The maximum increase in BFE, 0.6 foot, will occur approximately 1,150 feet downstream of I-5.

As a result of existing conditions and the proposed project, the BFEs will increase in some areas and decrease in other areas compared to the effective BFEs for the San Joaquin River from the divergence from Paradise Cut to the confluence with the Old River. The maximum increase in BFE, 0.5 foot, will occur approximately 4,100 feet downstream of I-5. The maximum decrease in BFE, 0.1 foot, will occur approximately 700 feet upstream of I-5.

As a result of existing conditions and the proposed project, the width of the Special Flood Hazard Area (SFHA), the area that would be inundated by the base flood, along the San Joaquin River will remain unchanged compared to the effective SFHA width.

Old River

Our review of existing conditions revealed that the BFEs increased in some areas and decreased in other areas compared to the effective BFEs for the Old River from the confluence with Paradise Cut to the divergence from the San Joaquin River. The maximum increase in BFE, 1.7 feet, occurred approximately 2,850 feet downstream of the divergence from the Middle River. The maximum decrease in BFE, 0.5 foot, occurred just downstream of the divergence from the San Joaquin River.

As a result of the proposed project, the BFEs will increase in some areas and decrease in other areas compared to the existing conditions BFEs for the Old River from the confluence with Paradise Cut to the divergence from the San Joaquin River. The maximum increase in BFE, 0.5 foot, will occur approximately 9,800 feet downstream of the divergence from the San Joaquin River. The maximum decrease in BFE, 0.2 foot, will occur just upstream of the confluence with Paradise Cut.

As a result of existing conditions and the proposed project, the BFEs will increase in some areas and decrease in other areas compared to the effective BFEs for the Old River from the confluence with Paradise Cut to the divergence from the San Joaquin River. The maximum increase in BFE, 1.7 feet, will occur approximately 2,850 feet downstream of the confluence with the Middle River. The maximum

decrease in BFE, 0.2 foot, will occur approximately 2,500 feet downstream of the divergence from the San Joaquin River.

As a result of existing conditions and the proposed project, the width of the SFHA will decrease compared to the effective SFHA width along the Old River from approximately 3,500 feet upstream to approximately 4,000 feet upstream of the confluence with Paradise Cut. The maximum decrease in SFHA width, approximately 150 feet, will occur approximately 3,700 feet upstream of the confluence with Paradise Cut. The change in SFHA width is a result of improved topographic data rather than encroachment into the SFHA by the proposed project.

Paradise Cut

Our review of existing conditions revealed that the BFEs increased in some areas and decreased in other areas compared to the effective BFEs for Paradise Cut from the confluence with the Old River to the divergence from the San Joaquin River. The maximum increase in BFE, 1.7 feet, occurred just upstream of the confluence with the Old River. The maximum decrease in BFE, 2.3 feet, occurred approximately 380 feet upstream of I-5.

As a result of the proposed project, the BFEs will increase in some areas and decrease in other areas compared to the existing conditions BFEs for Paradise Cut form the confluence with the Old River to the divergence from the San Joaquin River. The maximum increase in BFE, 0.7 foot, will occur approximately 250 feet downstream of the divergence from the San Joaquin River. The maximum decrease in BFE, 0.2 foot, will occur just upstream of the confluence with the Old River.

As a result of existing conditions and the proposed project, the BFEs will increase in some areas and decrease in other areas compared to the effective BFEs for Paradise Cut from the confluence with the Old River to the divergence from the San Joaquin River. The maximum increase in BFE, 2.3 feet, will occur approximately 380 feet upstream of I-5. The maximum decrease in BFE, 1.5 feet, will occur just upstream of the confluence with the Old River.

As a result of existing conditions and the proposed project, the width of the SFHA along Paradise Cut will remain unchanged compared to the effective SFHA width.

Stewart Tract

As a result of the proposed project, the overbank area bounded by the San Joaquin River, the Old River, and Paradise Cut and contained within the levees, known as the Stewart Tract, will be removed from the SFHA. The SFHA that results from the runoff from the area within the levees will be contained in the proposed manmade water features and storm-water management facilities.

Upon completion of the project, your community may submit the data listed below and request that we make a final determination on revising the effective FIRM and FIS report.

- According to the submitted topographic work map, the proposed zone designation for the area within the proposed levees for the River Islands development will be Zone X (unshaded), an area

determined to be outside both the SFHA and the floodplain of the flood having a 0.2-percent chance of being equaled or exceeded in any given year. This zone designation is appropriate if the final graded elevation is at or above the proposed BFEs along the revised flooding sources. From the documentation submitted, it is unclear whether or not this will be the case throughout the proposed project. Those areas within the proposed levees that are below the proposed BFEs should be designated Zone X (shaded), areas protected from the base flood by levees. Please submit a revised topographic work map, certified by a registered professional engineer, that properly designates the flood zones for all areas within the proposed levees.

- In our letter dated June 10, 2004, we requested that the applicant submit revised analyses for all the flooding sources using the HEC-2 model, or extend the UNET analyses for the entire length of each flooding source previously studied by detailed methods. The response dated September 3, 2004, stated that the effective HEC-2 models were not available and that the submitted UNET model was extended to tie into the effective profiles along the affected flooding sources. The UNET model did not analyze the affected flooding sources along the entire length of detailed study. Please submit a revised UNET model to include the entire length of detailed study along Paradise Cut, the Old River, and the San Joaquin River, or submit duplicate effective, existing conditions and post-project conditions HEC-2 models for the revised reaches of these flooding sources. The HEC-2 models must tie into the effective profile within 0.5 foot at the upstream and downstream limits of the revised reaches. A revised topographic work map, certified by a registered professional engineer, that reflects the results of the HEC-2 models also must be submitted.

- Please submit an "as-built" geotechnical report for the proposed levee improvements. The report should include the analyses for as-built conditions required in Section 65.10 of the NFIP regulations; details on the levee foundation treatment; and as-built plans, certified by a registered professional engineer, of the improved levee. Please also submit project profiles that show the channel bottom, ground surface, and top of levee at critical cross sections. The profiles should reflect the appropriate overbuild for predicted seismically induced settlement.

- Please submit as-built plans and details for all pumping stations.

- Detailed application and certification forms, which were used in processing this request, must be used for requesting final revisions to the maps. Therefore, when the map revision request for the area covered by this letter is submitted, Form 1, entitled "Overview & Concurrence Form," must be included. (A copy of this form is enclosed.)

- The detailed application and certification forms listed below may be required if as-built conditions differ from the preliminary plans. If required, please submit new forms (copies of which are enclosed) or annotated copies of the previously submitted forms showing the revised information.

  Form 2, entitled "Riverine Hydrology & Hydraulics Form"

  Form 3, entitled "Riverine Structures Form"

Hydraulic analyses, for as-built conditions, of the base flood, together with a topographic work map showing the revised floodplain boundaries, must be submitted with Form 2.

- Effective September 1, 2002, FEMA revised the fee schedule for reviewing and processing requests for conditional and final modifications to published flood information and maps. In accordance with this schedule, the current fee for this map revision request is $3,800 and must be received before we can begin processing the request. Please note, however, that the fee schedule is subject to change, and requesters are required to submit the fee in effect at the time of the submittal. Payment of this fee shall be made in the form of a check or money order, made payable in U.S. funds to the National Flood Insurance Program, or by credit card. The payment must be forwarded to the following address:

  Federal Emergency Management Agency
  Fee-Charge System Administrator
  P.O. Box 22787
  Alexandria, VA 22304

- As-built plans, certified by a registered professional engineer, of all proposed project elements

- Community acknowledgment of the map revision request

After receiving appropriate documentation to show that the project has been completed, FEMA will initiate a revision to the FIRM and FIS report. Because the BFEs would change as a result of the project, a 90-day appeal period would be initiated, during which community officials and interested persons may appeal the revised BFEs based on scientific or technical data.

The basis of this CLOMR is, in whole or in part, a channel-modification project. NFIP regulations, as cited in Paragraph 60.3(b)(7), require that communities assure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained. This provision is incorporated into your community's existing floodplain management regulations. Consequently, the ultimate responsibility for maintenance of the modified channel rests with your community.

This CLOMR is based on minimum floodplain management criteria established under the NFIP. Your community is responsible for approving all floodplain development and for ensuring all necessary permits required by Federal or State law have been received. State, county, and community officials, based on knowledge of local conditions and in the interest of safety, may set higher standards for construction in the SFHA. If the State, county, or community has adopted more restrictive or comprehensive floodplain management criteria, these criteria take precedence over the minimum NFIP criteria.

If you have any questions regarding floodplain management regulations for your community or the NFIP in general, please contact the Consultation Coordination Officer (CCO) for your community. Information on

the CCO for your community may be obtained by calling the Director, Federal Insurance and Mitigation Division of FEMA in Oakland, California, at (510) 627-7103. If you have any questions regarding this CLOMR, please call our Map Assistance Center, toll free, at 1-877-FEMA MAP (1-877-336-2627).

Sincerely,

Michael B. Godesky, CFM, Project Engineer
Hazard Identification Section
Mitigation Division
Emergency Preparedness
and Response Directorate

For: Doug Bellomo, P.E., Chief
Hazard Identification Section
Mitigation Division
Emergency Preparedness
and Response Directorate

Enclosures

cc: The Honorable Leroy Ornellas
Chair, San Joaquin County
Board of Supervisors

Mr. Bruce Coleman
Community Development Director
City of Lathrop

Mr. Mike Callahan
Senior Civil Engineer, Flood Control
Department of Public Works
San Joaquin County

Mr. Stephen T. Bradley
Chief Engineer
Reclamation Board
State of California

Mr. Stephen Verigin
Acting Deputy Director
Public Safety & Business Operations
Department of Water Resources
State of California

Mr. Jim Sandner
Chief of Natural Resources
U.S. Army Corps of Engineers,
Sacramento District

Mr. Gregory D. Miller, P.E.
Principal
Carlson, Barbee & Gibson, Inc.

Ms. Susan Dell'Osso
Project Director
River Islands at Lathrop

905
CLOMR

Federal Emergency Management Agency

Washington, D.C. 20472

MAR 10 2005

RECEIVED MAR 17 2005

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
Case No.: 03-09-1344R

The Honorable Leroy Ornellas
Chair, San Joaquin County
Board of Supervisors
222 East Weber Avenue, Room 701
Stockton, CA 95202

Community: San Joaquin County, CA
Community No.: 060299

104

Dear Mr. Ornellas:

This responds to a request that the Department of Homeland Security's Federal Emergency Management Agency (FEMA) comment on the effects that a proposed project would have on the effective Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report for your community, in accordance with Part 65 of the National Flood Insurance Program (NFIP) regulations. In a letter dated July 3, 2003, Mr. John M. Winn, Project Engineer, Carlson, Barbee & Gibson, Inc., requested that FEMA evaluate the effects that updated topographic information, a revised hydrologic analysis, and construction of the River Islands project along the San Joaquin River from its divergence from Paradise Cut to the confluence with the Old River, along the Old River from the confluence with Paradise Cut to the divergence from the San Joaquin River, and along Paradise Cut from the confluence with the San Joaquin River to the divergence from the San Joaquin River would have on the flood hazard information shown on the effective FIRM and FIS report. The River Islands project will include improvements to existing levees along the San Joaquin River, the Old River, and Paradise Cut; construction of interior recreational lakes; and construction of residential housing developments, with the necessary storm-water management facilities. Although the revised area is shown on the FIRM for the unincorporated areas of San Joaquin County, a portion of the revised area has been annexed by the City of Lathrop.

All data required to complete our review of this request for a Conditional Letter of Map Revision (CLOMR) were submitted with letters from Mr. Gregory D. Miller, P.E., Principal, Carlson, Barbee & Gibson, and Mr. Winn.

Because this revision request also affects the City of Lathrop, a separate CLOMR for that community was issued on the same date as this CLOMR.

We reviewed the submitted data and the data used to prepare the effective FIRM for your community and determined that the proposed project meets the minimum floodplain management criteria of the NFIP. The submitted existing conditions UNET hydraulic computer model, dated August 13, 2004, based on updated topographic information, was used as the base conditions model in our review of the proposed conditions model for this CLOMR request. We believe that, if the proposed project is constructed as shown on the plans entitled "Paradise Cut Improvement Project," dated April 18, 2002; "Proposed Interior Drainage Plan," "Proposed Levee Plan – River Islands," "Embankment Protection Program," and "Topographic Workmap – River Islands," all dated April 28, 2003; and "Levee Profile and Flood

Elevation Exhibit – River Islands," dated February 19, 2004, and the data listed below are received, a revision to the FIRM would be warranted. All the plans listed above were prepared by Carlson, Barbee & Gibson, Inc. Please note that the proposed modifications of the existing levees should be coordinated with the appropriate State and Federal agencies.

San Joaquin River

Our review of existing conditions revealed that the elevations of the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood) decreased compared to the effective Base Flood Elevations (BFEs) for the San Joaquin River from the divergence from Paradise Cut to Interstate Highway 5 (I-5). The maximum decrease in BFE, 0.7 foot, occurred approximately 1,400 feet upstream of I-5.

As a result of the proposed project, the BFEs will increase compared to the existing conditions BFEs for the San Joaquin River from the divergence from Paradise Cut to I-5. The maximum increase in BFE, 0.4 foot, will occur approximately 1,400 feet upstream of I-5.

As a result of existing conditions and the proposed project, the BFEs will increase in some areas and decrease in other areas compared to the effective BFEs for the San Joaquin River from the divergence from Paradise Cut to I-5. The maximum increase in BFE, 0.2 foot, will occur approximately 1,800 feet downstream of the divergence from Paradise Cut. The maximum decrease in BFE, 0.3 foot, will occur approximately 1,400 feet upstream of I-5.

As a result of existing conditions and the proposed project, the width of the Special Flood Hazard Area (SFHA), the area that would be inundated by the base flood, along the San Joaquin River will remain unchanged compared to the effective SFHA width.

Old River

Our review of existing conditions revealed that the BFEs increased in some areas and decreased in other areas compared to the effective BFEs for the Old River from the confluence with Paradise Cut to the divergence from the San Joaquin River. The maximum increase in BFE, 1.7 feet, occurred approximately 2,850 feet downstream of the divergence from the Middle River. The maximum decrease in BFE, 0.5 foot, occurred just downstream of the divergence from the San Joaquin River.

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decrease in BFE, 0.2 foot, will occur approximately 2,500 feet downstream of the divergence from the San Joaquin River.

As a result of existing conditions and the proposed project, the width of the SFHA will decrease compared to the effective SFHA width along the Old River from approximately 3,500 feet upstream to approximately 4,000 feet upstream of the confluence with Paradise Cut. The maximum decrease in SFHA width, approximately 150 feet, will occur approximately 3,700 feet upstream of the confluence with Paradise Cut. The change in SFHA width is a result of improved topographic data rather than encroachment into the SFHA by the proposed project.

Paradise Cut

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As a result of existing conditions and the proposed project, the width of the SFHA along Paradise Cut will remain unchanged compared to the effective SFHA width.

Upon completion of the project, your community may submit the data listed below and request that we make a final determination on revising the effective FIRM and FIS report.

- According to the submitted topographic work map, the proposed zone designation for the area within the proposed levees for the River Islands development will be Zone X (unshaded), an area determined to be outside both the SFHA and the floodplain of the flood having a 0.2-percent chance of being equaled or exceeded in any given year. This zone designation is appropriate if the final graded elevation is at or above the proposed BFEs along the revised flooding sources. From the documentation submitted, it is unclear whether or not this will be the case throughout the proposed project. Those areas within the proposed levees that are below the proposed BFEs should be designated Zone X (shaded), areas protected from the base flood by levees. Please

submit a revised topographic work map, certified by a registered professional engineer, that properly designates the flood zones for all areas within the proposed levees.

- In our letter dated June 10, 2004, we requested that the applicant submit revised analyses for all the flooding sources using the HEC-2 model, or extend the UNET analyses for the entire length of each flooding source previously studied by detailed methods. The response dated September 3, 2004, stated that the effective HEC-2 models were not available and that the submitted UNET model was extended to tie into the effective profiles along the affected flooding sources. The UNET model did not analyze the affected flooding sources along the entire length of detailed study. Please submit a revised UNET model to include the entire length of detailed study along Paradise Cut, the Old River, and the San Joaquin River, or submit duplicate effective, existing conditions and post-project conditions HEC-2 models for the revised reaches of these flooding sources. The HEC-2 models must tie into the effective profile within 0.5 foot at the upstream and downstream limits of the revised reaches. A revised topographic work map, certified by a registered professional engineer, that reflects the results of the HEC-2 models also must be submitted.

- Please submit an "as-built" geotechnical report for the proposed levee improvements. The report should include the analyses for as-built conditions required in Section 65.10 of the NFIP regulations; details on the levee foundation treatment; and as-built plans, certified by a registered professional engineer, of the improved levee. Please also submit project profiles that show the channel bottom, ground surface, and top of levee at critical cross sections. The profiles should reflect the appropriate overbuild for predicted seismically induced settlement.

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  Form 3, entitled "Riverine Structures Form"

  Hydraulic analyses, for as-built conditions, of the base flood, together with a topographic work map showing the revised floodplain boundaries, must be submitted with Form 2.

- Effective September 1, 2002, FEMA revised the fee schedule for reviewing and processing requests for conditional and final modifications to published flood information and maps. In accordance with this schedule, the current fee for this map revision request is $3,800 and must be received before we can begin processing the request. Please note, however, that the fee schedule is subject to change, and requesters are required to submit the fee in effect at the time of the submittal. Payment of this fee shall be made in the form of a check or money order, made payable in U.S. funds to the National Flood Insurance Program, or by credit card. The payment must be forwarded to the following address:

  Federal Emergency Management Agency
  Fee-Charge System Administrator
  P.O. Box 22787
  Alexandria, VA 22304

- As-built plans, certified by a registered professional engineer, of all proposed project elements

- Community acknowledgment of the map revision request

After receiving appropriate documentation to show that the project has been completed, FEMA will initiate a revision to the FIRM and FIS report. Because the BFEs would change as a result of the project, a 90-day appeal period would be initiated, during which community officials and interested persons may appeal the revised BFEs based on scientific or technical data.

The basis of this CLOMR is, in whole or in part, a channel-modification project. NFIP regulations, as cited in Paragraph 60.3(b)(7), require that communities assure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained. This provision is incorporated into your community's existing floodplain management regulations. Consequently, the ultimate responsibility for maintenance of the modified channel rests with your community.

This CLOMR is based on minimum floodplain management criteria established under the NFIP. Your community is responsible for approving all floodplain development and for ensuring all necessary permits required by Federal or State law have been received. State, county, and community officials, based on knowledge of local conditions and in the interest of safety, may set higher standards for construction in the SFHA. If the State, county, or community has adopted more restrictive or comprehensive floodplain management criteria, these criteria take precedence over the minimum NFIP criteria.

If you have any questions regarding floodplain management regulations for your community or the NFIP in general, please contact the Consultation Coordination Officer (CCO) for your community. Information on the CCO for your community may be obtained by calling the Director, Federal Insurance and Mitigation

Division of FEMA in Oakland, California, at (510) 627-7103. If you have any questions regarding this CLOMR, please call our Map Assistance Center, toll free, at 1-877-FEMA MAP (1-877-336-2627).

Sincerely,

Michael B. Godesky, CFM, Project Engineer
Hazard Identification Section
Mitigation Division
Emergency Preparedness
and Response Directorate

For: Doug Bellomo, P.E., Chief
Hazard Identification Section
Mitigation Division
Emergency Preparedness
and Response Directorate

Enclosures

cc: The Honorable Gloryanna Rhodes
Mayor, City of Lathrop

Mr. Mike Callahan
Senior Civil Engineer, Flood Control
Department of Public Works
San Joaquin County

Mr. Bruce Coleman
Community Development Director
City of Lathrop

Mr. Stephen Verigin
Acting Deputy Director
Public Safety & Business Operations
Department of Water Resources
State of California

Mr. Stephen T. Bradley
Chief Engineer
Reclamation Board
State of California

Mr. Jim Sandner
Chief of Natural Resources
U.S. Army Corps of Engineers,
Sacramento District

Mr. Gregory D. Miller, P.E.
Principal
Carlson, Barbee & Gibson, Inc.

Ms. Susan Dell'Osso
Project Director
River Islands at Lathrop